

1 PERSONNEL CABINET

2 (New Emergency Administrative Regulation)

3 101 KAR 5:015E. Furloughs.

4 RELATES TO: 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11

5 STATUTORY AUTHORITY: 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11(g)

6 NECESSITY, FUNCTION, AND CONFORMITY: 2010 Extra. Sess. Ky. Acts ch. 1, Part  
7 IV, 11(g) requires the Secretary of Personnel to promulgate an administrative regulation  
8 establishing procedures for the implementation of furloughs or a temporary reduction of  
9 hours of all Executive Branch employees due to a lack of funds as certified by the State  
10 Budget Director. This administrative regulation establishes the provisions and  
11 requirements for these furloughs.

12 Section 1. Definitions.

13 (1) "Appointing Authority" means:

14 (a) An individual who meets the definition of KRS 18A.005(1) or 151B.010(1); or

15 (b) For employees governed by KRS Chapter 16, the Commissioner of the Department  
16 of Kentucky State Police.

17 (2) "Furlough" or "reduction in hours" means the temporary reduction of hours an  
18 employee is scheduled to work by the appointing authority within a pay period.

19 (3) "Lack of funds" means a current or projected deficiency of funding to maintain  
20 current or projected levels of staffing and operations of state government in a fiscal  
21 year.

(4) "Secretary" means the Secretary of the Personnel Cabinet as provided for in KRS 18A.115.

## Section 2. General Provisions.

(1) Based upon the lack of funds certified by the State Budget Director, and the approval of the Governor, the requirements established in this administrative regulation shall govern the furlough of all state Executive Branch employees.

(2) A furlough plan shall be developed by each executive branch Cabinet or independent agency in conformity with these requirements, and upon approval by the Secretary, shall be implemented at the Cabinet or independent agency level by an appointing authority.

(3) Furlough plans shall include the following provisions:

(a) All state Executive Branch employees, classified and unclassified, shall be furloughed for a total of six (6) working days over the course of the 2010-2011 fiscal year.

(b) An employee shall not be furloughed more than twenty-four (24) work hours in a six (6) month calendar period, as provided in this paragraph.

1. An employee regularly assigned to a 40-hour work schedule shall not be furloughed more than three (3) work days or twenty-four (24) work hours.

2. An employee regularly assigned to a 37.5-hour work schedule shall not be furloughed more than three (3) work days or twenty-two and one-half (22.5) work hours, which is the equivalent reduction of hours and corresponding pay.

3. Any other employee on a different work schedule shall be furloughed in a manner to achieve an equivalent reduction of hours and corresponding pay. These provisions

shall be set forth in the furlough plan provided by the Cabinet Secretary or independent agency head and approved by the Secretary of Personnel.

(4) Unclassified employees appointed pursuant to KRS 18A.115(1)(d), (e), (f), (g), (h), or (i) may be furloughed additional work hours at the discretion of the appointing authority.

(5) A furloughed employee whose hours of work are temporarily reduced:

(a) Shall remain eligible for state-paid benefits during the temporary reduction of hours;

(b) Shall be notified in writing by the appointing authority at least seven (7) calendar days prior to the date of furlough, except that an employee may voluntarily agree in writing to waive the seven (7) day notice requirement;

(c) Shall not be furloughed more than 20 percent of an employee's scheduled work hours in any one work week, except as provided in subsection (6) of this section;

(d) Shall not be eligible to utilize accrued leave balances in lieu of temporary reduction of hours without pay; and

(e) Shall not be entitled to appeal the reduction of work hours to the Personnel Board, the Kentucky Technical Education Personnel Board, the Department of Kentucky State Police Personnel Board, or the applicable administrative body.

(6) In addition to the mandatory furlough hours, any employee may volunteer, with the prior approval of the appointing authority, to take leave without pay and retain accrued leave balances. An employee shall submit the Voluntary Furlough Request Form to the Secretary of Personnel before the effective date of a voluntary furlough.

(7) A contract worker shall not perform services pursuant to the contract when the assigned state office building is closed due to furlough. The work schedules of all

contract workers shall be reduced in the same manner as state employees during other periods of furlough.

### Section 3. Furlough Dates.

(1) The six (6) furlough days shall be scheduled as follows:

(a) In order to maximize operational costs, state government shall "shut down" and close on three (3) of the furlough days:

1. September 3, 2010;
2. November 12, 2010; and
3. May 27, 2011.

(b) 1. The remaining three (3) furlough days shall be applied in the following months:

- a. October 2010;
- b. March 2011; and
- c. April 2011.

2. Each Cabinet Secretary, independent agency head, or designated appointing authority shall furlough each employee not exempted in subsection (2) of this section the equivalent of one (1) day during each of the months listed in subparagraph 1. of this paragraph.

(2) The individuals employed in the following specific job classifications may be exempted from any or all provisions of the furlough requirements, as approved by the Secretary of the Personnel Cabinet, upon request and certification by the Secretary of the Justice and Public Safety Cabinet, the Secretary of the Cabinet for Health and Family Services, or the Commissioner of State Police:

1 (a) Job classifications directly responsible for the care or safety of inmates or residents  
2 in 24-hour correctional or juvenile justice facilities;

3 (b) Job classifications directly responsible for the care or safety of residents in 24-hour  
4 mental health facilities; and

5 (c) Job classifications of uniformed law enforcement officers or trainees that are  
6 required to protect the lives and safety of the citizens of the Commonwealth.

7 (3) In conjunction with the appointing authority, the Secretary shall provide maximum  
8 flexibility to the facilities with 24-hour, seven-day-a-week operations to ensure that the  
9 employees within these facilities are appropriately furloughed while any disruption of  
10 services is minimized.

11 (4) Each Cabinet Secretary and independent agency head, in conjunction with the  
12 Secretary, shall consider the impact of these furlough requirements on the specific  
13 public services the individual Cabinet or independent agency provides and the impact of  
14 the scheduled furloughs on the workforce within the individual Cabinet or independent  
15 agency. This information shall be provided to the Secretary within the furlough plan.

16 (5) Each Cabinet or independent agency, once approved by the Secretary, may  
17 designate additional appointing authorities to effectuate the furlough of its employees.

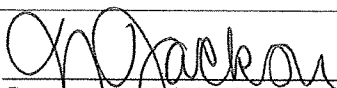
18 (6) If there is an emergency or natural disaster, as certified by the Governor, the  
19 Secretary may alter, amend, revoke, suspend or otherwise set aside any of the furlough  
20 requirements as necessary.

#### 21 Section 4. Incorporation by Reference.

22 (1) The Voluntary Furlough Request Form, July 2010, is incorporated by reference.

- 1 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
- 2 law, at the Personnel Cabinet, 501 High Street, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601,
- 3 Monday through Friday, 8:00 a.m. to 4:30 p.m.

8/13/10  
Date

  
Secretary Nikki R. Jackson  
Personnel Cabinet